

House Study Bill 529 - Introduced

HOUSE FILE _____

BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON BALTIMORE)

A BILL FOR

1 An Act relating to the limitations of criminal actions in
2 kidnapping or human trafficking offenses, and providing
3 penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 802.2C Kidnapping.

2 An information or indictment for kidnapping in the first,
3 second, or third degree committed on or with a person who is
4 under the age of eighteen years shall be found within ten
5 years after the person upon whom the offense is committed
6 attains eighteen years of age, or if the person against whom
7 the information or indictment is sought is identified through
8 the use of a DNA profile, an information or indictment shall be
9 found within three years from the date the person is identified
10 by the person's DNA profile, whichever is later.

11 Sec. 2. NEW SECTION. 802.2D Human trafficking.

12 An information or indictment for human trafficking in
13 violation of section 710A.2, committed on or with a person
14 who is under the age of eighteen years shall be found within
15 ten years after the person upon whom the offense is committed
16 attains eighteen years of age, or if the person against whom
17 the information or indictment is sought is identified through
18 the use of a DNA profile, an information or indictment shall be
19 found within three years from the date the person is identified
20 by the person's DNA profile, whichever is later.

21 Sec. 3. Section 802.3, Code 2016, is amended to read as
22 follows:

23 **802.3 Felony — aggravated or serious misdemeanor.**

24 In all cases, except those enumerated in [section 802.1](#),
25 802.2, [802.2A](#), [802.2B](#), [802.2C](#), [802.2D](#), or [802.10](#), an
26 indictment or information for a felony or aggravated or
27 serious misdemeanor shall be found within three years after its
28 commission.

29 Sec. 4. Section 802.10, subsection 3, Code 2016, is amended
30 to read as follows:

31 3. However, notwithstanding [subsection 2](#), an indictment
32 or information shall be found against a person within three
33 years from the date the person is identified by the person's
34 DNA profile. If the action involves sexual abuse, or
35 another sexual offense, kidnapping, or human trafficking,

1 the indictment or information shall be found as provided in
2 section 802.2, ~~or 802.2B~~, 802.2C, or 802.2D, if the person is
3 identified by the person's DNA profile.

4 EXPLANATION

5 The inclusion of this explanation does not constitute agreement with
6 the explanation's substance by the members of the general assembly.

7 This bill relates to the limitations of criminal actions
8 (statute of limitations) in kidnapping or human trafficking
9 offenses.

10 The bill provides that an information or indictment for
11 kidnapping in the first degree, kidnapping in the second
12 degree, or kidnapping in the third degree committed on or with
13 a person who is under 18 years of age shall be found within 10
14 years after the person upon whom the kidnapping is committed
15 attains 18 years of age. Under current law, the information or
16 indictment for such a kidnapping offense on or with a person
17 who is under 18 years of age shall be found within three years
18 after its commission.

19 Kidnapping in the first degree is a class "A" felony
20 punishable by confinement for life without possibility of
21 parole. Kidnapping in the second degree is a class "B" felony
22 (70 percent sentence) punishable by confinement for no more
23 than 25 years. Kidnapping in the third degree is a class "C"
24 felony punishable by confinement for no more than 10 years and
25 a fine of at least \$1,000 but not more than \$10,000.

26 The bill also provides that an information or indictment
27 for any human trafficking offense in violation of Code section
28 710A.2, committed on or with a person who is under 18 years of
29 age, shall be found within 10 years after the person upon whom
30 the human trafficking offense is committed attains 18 years of
31 age. Under current law, the information or indictment for such
32 a human trafficking offense on or with a person who is under
33 18 years of age shall be found within three years after its
34 commission.

35 The penalties for human trafficking violations committed on

1 or with a person under 18 years of age remain either a class
2 "C" felony or a class "B" felony under Code section 710A.2(1)
3 through (8).

4 The bill also provides that if a person against whom the
5 information or indictment is sought is identified through the
6 use of a DNA profile for a kidnapping or human trafficking
7 offense described in the bill, an information or indictment
8 shall be found within 10 years after the victim attains 18
9 years of age, or within three years from the date the person is
10 identified by the person's DNA profile, whichever is later.

11 The bill in part is in response to State v. Walden, 870
12 N.W.2d 842, (Iowa 2015).